## Exhibit 1

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Page 1
                    IKIMULISA LIVINGSTON
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 2
     UNITED STATES DISTRICT COURT
     SOUTHERN DISTRICT OF NEW YORK
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     AUSTIN FENNER and IKIMULISA LIVINGSTON,
 4
                       Plaintiffs,
 5
                       -against-
 6
                                       09 Civ. 9832
                                       (BSJ) (RLE)
 7
     NEWS CORPORATION, NYP HOLDINGS, INC., d/b/a
 8
     THE NEW YORK POST and DAN GREENFIELD and
 9
     MICHELLE GOTTHELF,
10
                       Defendants.
11
12
13
14
          VIDEOTAPED DEPOSITION OF IKIMULISA LIVINGSTON
                        New York, New York
15
                     Friday, January 13, 2012
16
17
     REPORTED BY: BARBARA R. ZELTMAN
18
                    (BOBBIE)
                    Professional Stenographic Reporter
19
20
21
     Job Number: 45412
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23
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Page 3 Page 2 IKIMULISA LIVINGSTON IKIMULISA LIVINGSTON 1 APPEARANCES: 2 3 3 THOMPSON WIGDOR, LLP 4 January 13, 2012 Attorneys for the Plaintiffs 5 9:41 a.m. 4 6 85 Fifth Avenue 5 7 New York, New York 10003 6 Videotaped deposition of IKIMULISA 8 BY: KENNETH P. THOMPSON, ESQ., 7 LIVINGSTON taken by Defendants, pursuant to Notice, SHAFFIN A. DATOO, ESQ., and 8 at the offices of KASOWITZ, BENSON, TORRES & 9 PAUL A. CLARK, ESQ. 10 9 FRIEDMAN, LLP, 1633 Broadway, New York, New York, 11 KASOWITZ, BENSON, TORRES & FRIEDMAN, LLP before BARBARA R. ZELTMAN, a Professional 10 12 Attorneys for the Defendants Stenographic Reporter and Notary Public within and 11 13 1633 Broadway 12 for the State of New York. 14 New York, New York 10019 13 15 BY: BLYTHE E. LOVINGER, ESQ. 14 MARK W. LERNER, ESQ. 15 16 GARRETT D. KENNEDY, ESQ. 16 17 17 18 19 ALSO PRESENT: Michelle Gotthelf 18 Jordan Lippner 20 19 News America Incorporated 20 21 21 Steve Sanpietro, Videographer 22 23 23 24 24 25 25 Page 5 Page 4 **IKIMULISA LIVINGSTON** 1 IKIMULISA LIVINGSTON 1 2 THE VIDEOGRAPHER: This is the 2 3 3 start of the tape labeled Number 1 of IT IS HEREBY STIPULATED AND AGREED 4 the videotaped deposition of 4 by and between the attorneys for the respective 5 parties herein that filing and sealing be and 5 Ikimulisa Livingston in the matter of 6 Austin Fenner and Ikimulisa 6 the same are hereby waived. 7 7 Livingston versus News Corporation, IT IS FURTHER STIPULATED AND AGREED 8 NYP Holdings, Inc. 8 that all objections, except as to the form of the question, shall be reserved to the time 9 This deposition is being held on 9 0 Friday, January 13, 2012, at 10 of trial. approximately 9:41 a.m., at 1633 . 1 11 IT IS FURTHER STIPULATED AND AGREED .2 Broadway, New York, New York. 12 that the within deposition may be signed and sworn to before any officer authorized to .3 My name is Steve Sanpietro from TSG 13 L 4 administer an oath with the same force and Reporting, Inc. I'm the legal video 14 5 15 effect as if signed and sworn to before specialist. 6 16 The court reporter today is Bobbie the Court. 7 Zeltman in association with TSG 17 18 8 Reporting. 9 Please have counsel introduce 19 20 themselves for the record, starting to my 20 21 21 right. 2 MS. LOVINGER: Blythe Lovinger 22 23 from Kasowitz, Benson, Torres & 23 Friedman, LLP, counsel for 24 24

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defendants.

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1	IKIMULISA LIVINGSTON	1	IKIMULISA LIVINGSTON
2	MR. KENNEDY: Gary Kennedy from	2	I ask, please tell me and it will be
3	Kasowitz, Benson, Torres & Friedman	3	rephrased.
4	for defendants.	4	If you do not hear the question,
5	MR. LIPPNER: Jordan Lippner,	5	please tell me and it will be repeated.
6	in-house counsel.	6	If you answer, we will assume that
7	MR. LERNER: Mark Lerner, Kasowitz	7	you understood and heard the question.
1	Benson, for the defendants.	8	Please don't start answering until
8		9	I finish the question and I'll try not to
9	MR. THOMPSON: Kenneth Thompson	10	ask a question until you've finished your
10	and Shaffin Datoo for the plaintiff,	11	answer.
11	along with our colleague Paul Clark	12	I'd ask that we do not take a break
12	from our law firm.	13	· · · · · · · · · · · · · · · · · · ·
13	IKIMULISA LIVINGSTON,	1	while a question is pending.
14	having been first duly sworn by	14	And finally, you must speak your
15	Barbara R. Zeltman, Notary Public, was	15	answers so that the court reporter can
16	examined and testified as follows:	16	transcribe them. Don't just nod your head
17	EXAMINATION BY MS. LOVINGER:	17	yes or no. We need a verbal response.
18	Q Good morning, Ms. Livingston.	18	Do you understand those rules?
19	A Good morning.	19	A Yes, I do.
20		20	Q Do you understand that you took an
21	a few moments ago and I am going to be	21	oath to testify truthfully today?
22	asking you questions today.	22	A Yes.
23	Just a few basic rules for the	23	Q Do you understand that that's the
24	deposition.	24	same oath you would take in a courtroom in
25	If you do not understand a question	25	the State of New York?
	Page 8		Page 9
1	IKIMULISA LIVINGSTON	1	IKIMULISA LIVINGSTON
2	A Yes.	2	You can answer the question.
3	Q Is your mind clear today?	3	A About ten years.
4	A Yes.	4	Q What is your date of birth?
5	Q Are you thinking clearly this	5	A May 15, 1965.
6	morning?	6	Q Are you currently married?
7	A Yes.	7	A Yes, I am.
8	Q Have you taken any medications or	8	Q And how long have you been married?
9	ingested anything that would impair your	9	MR. THOMPSON: Objection.
10	ability to think clearly or testify	10	A I've been married for over eight
11	truthfully?	11	years.
12	A No, I have not.	12	Q Do you have children?
		13	A Yes, I do.
13		14	Q How many children do you have?
14	A Ikimulisa Livingston.	15	A I have two.
15	Q Do you go by any other names?	16	Q And were you previously married
16	A No.	17	prior to your current marriage?
17	Q Is there a short nickname for	1	
18	Ikimulisa?	18 19	MR. THOMPSON: Objection.
19	A Kim.	1	A No.
20	Q Where do you presently reside?	20	Q What is the highest education that
21	A 6395 Austin Street, Rego Park, New	21	you have?
22	York.	22	A I have a bachelor's in journalism.
23	Q How long have you lived at that	23	Q Where did you obtain your
24	address?	24	bachelor's of journalism?
25	MR. THOMPSON: Objection.	₽5	A San Francisco State University.

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1	IKIMULISA LIVINGSTON	1	IKIMULISA LIVINGSTON
2	Q And when you read it	2	A I don't remember the exact year.
3	electronically, on what type of device do	3	It's been about four years, though.
4	you read it?	4	Q What are the other two computers
5	A I'll read it on my computer or I	5	you currently own?
6	read it on my cellphone.	6	A You mean the manufacturer?
7	Q How many computers do you have?	7	Q Are they desktop computers?
8	A Three.	8	A Yes, they are.
9	Q And are they laptop computers?	9	Q Are they in your home?
10	A No. All three are not laptop	10	A Yes, they are.
11		11	Q Do you share them with anyone else?
12	computers.	12	A One was a computer for my son.
13	Q How many of the three are laptop	13	Q But you use that computer as well?
	computers? A One.	14	A No.
14		15	Q How many computers do you use?
15	Q And what kind of computer is that?	16	A One.
16	A What kind of computer? You mean	17	
17	the manufacturer?	I	
18	Q Yes.	18 19	
19	A Dell.	1	
20	Q And how long have you had that	20	responsive documents in this litigation, did
21		21	you search the hard drive of that laptop
22	· · · · · · · · · · · · · · · · · · ·	22	computer?
23	¥	23	A Yès, I did.
24	50 mm / 5 m g 5 m 5 m 5 m 5 m 5 m 5 m 5 m 5 m 5	24	Q Did you search the hard drive of
25	or 2008, do you know?	25	the other two computers in your home?
	Page 24		Page 25
1	IKIMULISA LIVINGSTON	1	IKIMULISA LIVINGSTON
2	A The other two? No.	2	A Does the Post run gossip stores?
3	Q What other newspapers do you read	3	Q Correct.
4	on any given day?	4	A Yes.
5	A The Daily News, New York Times,	5	Q Would you say the Post is a
6	sometimes The Wall Street Journal.	6	tabloid?
7	Q The Post publishes different types	7	A The format of the paper is a
8	of stories than the Daily News; is that	8	tabloid, yes.
9	correct?	9	Q The Daily News is more local news;
10	A I'm sorry. I wasn't finished with	10	is that correct?
11	my answer.	11	A I don't think that's necessarily
12	Q Oh, okay. You paused. I'm sorry.	12	true.
13	A Sometimes I read the Queens papers,	13	Q Do the Post and the Daily News
14	the local Queens papers. And that may be	14	always run the same stories?
15	about it for the most part.	15	A No, they do not always run the same
16	Q Would you say the Post publishes	16	stories.
17	different types of stories than the Daily	17	Q So they sometimes run different
18	News?	18	stories; is that what you are saying?
19	A I wouldn't say that.	19	A They sometimes run different
20	Q What types of stories does the Post	20	stories. They also sometimes run the same
21	run?	21	story stories.
22	MR. THOMPSON: Objection.	22	Q If the Daily News ran a story,
23	Q Would you agree that the Post runs,	23	would the Post want to run the same story
24	in addition to national stories, gossip	24	the following day?
25 25		25 25	MR. THOMPSON: Objection.
ķο	stories?	f-J	MIK. HIOMI SON, Objection.

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1	IKIMULISA LIVINGSTON	1	IKIMULISA LIVINGSTON
2	A That's not really my call.	2	run stories that may spark an idea for a
3	Q Well, since you generally read both	3	different kind of story.
4	newspapers, have you seen many instances	4	So I'm sorry. Can you repeat it
5	where the Daily News run a story one day and	5	again?
6	the Post run the same story the following	6	Q You know what. Let's take a break
7	day?	7	for a minute.
8	A The following day?	8	Let's go off the record.
9	Q Yes.	9	THE VIDEOGRAPHER: The time is
10	A I don't recall any instances right	10	10:08 a.m. We're now off the record.
11	now where that has occurred. I don't	11	(A brief recess was
12	remember.	12	taken.)
1.3	Q Okay.	13	THE VIDEOGRAPHER: The time is
14	Are you supposed to read other	14	now 10:13 a.m. We're now back on the
15	newspapers to make sure that you don't pitch	15	record.
16	ideas that other papers have run?	16	BY MS. LOVINGER:
17	A I'm sorry. Could you repeat that.	17	Q Ms. Livingston, you are being
18	Q Are you supposed to, in the course	18	deposed today in connection with a lawsuit
19	of your employment at New York Post, read	19	you filed in federal court in New York,
20	other newspapers to make sure that you don't	20	correct?
21	pitch story ideas that other newspapers have	21	A That's correct.
22	run?	22	Q And in that lawsuit, you allege
23	A I believe I'm supposed to read	23	that you were discriminated against by the
24	other newspapers, other news sources. But	24	defendants, correct?
25	sometimes other news sources can they may	25	A That's correct.
*********	Page 28		Page 29
1	IKIMULISA LIVINGSTON	1	IKIMULISA LIVINGSTON
2	Q And you alleged that you are	2	ideas back and forth off of them.
3	discriminated against on the basis of your	3	I'm paid less than my white
4	race; is that right?	4	counterparts.
5	A That is correct.	5	And on several occasions I've had
6	MR. THOMPSON: Objection.	6	my byline not included on stories that I
7	Q There are two individual defendants	7	worked on.
8	in this lawsuit, Michelle Gotthelf and	8	On one occasion, I actually had a
9	Daniel Greenfield; is that right.	9	story that I had produced and submitted
10	A Yes.	10	several times that did not make the paper
11	Q What is the basis of your belief	11	under my byline, but did run under a white
12	that Ms. Gotthelf discriminated against you	12	woman's byline.
13	based on your race?	13	I've been given assignments that
14	A Michelle demoted me from my	14	basically have zero chance of making the
15	position from Queens County Courthouse. And	15	paper or near zero chance of making the
16	at the time she demoted me, she promised me	16	paper; whereas my white colleagues are
7	I would get a desk and a telephone and that	17	actually given stories, assigned to work on
18	I would not always be in the field, that I	18	stories that have a higher probability of
19	would sometimes be in the office and that I	19	making the paper.
20	would have opportunities.	20	The reviews I've received from
21	And I have been denied that desk,	21	Michelle have been untrue and were
22	that telephone, the other resources that my	22	discriminatory.
23	white colleagues in the office have, access	23	And there are other things
24	to the archives, to library staff, to	24	including the fact that the Post published
25	interaction with my colleagues to bounce	25	the cartoon of a chimpanzees depicting

	Page	30		Page 31
1	IKIMULISA LIVINGSTON	and the same of th	1	IKIMULISA LIVINGSTON
2	President Obama being shot by cops, and it's	april to the	2	if they were just ghetto stories and ghetto
3	extremely racially offensive to me as an	of sectors in	3	people, that's offensive.
4	employee and it's as if it is it's my	tan ja	4	And those are the things that come
5	employees [sic], including Michelle,	-	5	to mind right now.
6	published this cartoon that essentially	No.	6	Q Okay.
7	called black people, myself included and	-	7	Is there anything else? Because
8	other employees, other black employees at		8	we're sitting here now for your deposition
9	the Post, as monkeys. And there's been a	1	9	and now is the time for you to tell us any
10	long history where black people have been	h	0	other reason why you think Michelle Gotthelf
11	depicted as monkeys and chimpanzees and apes	- 1	1	discriminated against you on the basis of
12	and it was extremely demeaning, demoralizing	1	2	your race at the New York Post.
13	and it was extremely demeaning, demoralizing and offensive.		3	A There was a real pattern of
1	And those are the things that	1	4	discrimination.
14	those are some of the things that I can	1	5	The reviews that she gave me, the
15 16	relate right now in terms of how she	h	6	reviews my black colleagues, my other black
10 17		,	7	reporters received. The way she treated
i .	discriminated against me.	į	8	Austin Fenner and Leonard Greene.
18	Q Is there anything else you can	1	9	The fact that Leonard is the only
19	think of right now?	5	:0	African-American reporter in the newsroom.
20	Any other examples of how Michelle	;	1	All those things, it's all part of
21	Gotthelf discriminated against you on the		2	the environment of racism, of
22	basis of your race.		3	discrimination.
23	A The fact that when I submitted	1	4	
24 25	story ideas about black people and Latino	3	:5	<ul><li>Q Is there anything else?</li><li>A That's what comes to mind right</li></ul>
12	people and she would call them "low rent" as	unnanuf.		Page 33
	Page	32		
1	IKIMULISA LIVINGSTON	eciajopisos	1	IKIMULISA LIVINGSTON
2	now.	1	2	discriminated against you based on your
3	If there are other things that come		3	race?
4	to mind, I will mention it, but right now		4	A That is correct.
5	that's all that comes to my mind.	and the same	5	Q So are there any different reasons
6	Q All the reasons you just ran		6	or additional reasons other than the ones
7	through why you believed Ms. Gotthelf		7	you mentioned in connection with Michelle
8	discriminated against you on the basis of		8	Gotthelf why you believe Mr. Greenfield
9	your race, are those the same reasons you		9	discriminated against you based on your race
10	believe that Dan Greenfield discriminated	1	. 0	at the New York Post?
11	against you based on your race?		. 1	A Mr. Greenfield also gave me
12	A No, there are additional.	3	. 2	assignments that were had barely any
13	Q Okay.		. 3	chance of making the paper.
14	In this lawsuit you also allege	1	. 4	Q Do you have an example of such an
1.5	that Mr. Greenfield discriminated against	Considerate	. 5	assignment?
16	you on the basis of your race.	1	. 6	A Yes. It was I'm not really sure
17	So why don't you tell me what	1	.7	the time frame.
18	additional reasons you have for believing	- 1	. 8	This was more than a year ago.
19	that Mr. Greenfield in fact discriminated	1	. 9	Greenfield sent me out to an address in
20	against you?	3	20	Brooklyn where a woman had been murdered.
21	A Dan also played a role in my		21	And in the course of reporting that murder
22	demotion from my beat at the Queens	1	22	and interviewing people, I called the Police
23	Courthouse.		23	Shack to find out to ask them some
24	Q Didn't you mention that as a reason	Ź	24	questions or to relay some information. And
25	why you believe Michelle Gotthelf	j.	25	at that time no one in the Police Shack had

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1	IKIMULISA LIVINGSTON	1	IKIMULISA LIVINGSTON
2	actually been told to look into that	2	anyone at the Police Shack to work on the
3	homicide, and that story did not make the	3	story to get information to produce a story
4	paper.	4	for the next day's paper or for the Web.
5	Q Doesn't it happen sometimes where	5	Q Okay.
6	the newsroom hears of something that the	6	But my question was: Aren't there
7	Police Shack hasn't yet heard of?	7	sometimes incidences where a reporter may be
8	A When I had called the shack, it was	8	looking into something that someone at the
9	not the morning time, it was in the	9	Police Shack isn't yet assigned to look
10	afternoon. And at that time in the normal	10	into.
11	course of a day reporting, someone would	11	Does that ever happen?
12	have been told earlier to look into that	12	A I'm not familiar with that
13	story, usually.	13	happening I'm not familiar with that
14	Q Usually, but aren't there times	14	happening as a usual course of business.
15	when the newsroom hears of something through	15	Usually someone is assigned in the
16	a different source and the Police Shack	16	Shack to look into a story that we're
17	isn't yet aware of it?	17	working on, especially if I've been working
18	A Not in this instance.	18	on that story for most of the day.
19		19	And in this instance, no one in the
20	Q In any instance? A I don't recall any other instances.	20	Shack was working the story. And despite
		21	the fact I did compile information and
21	- J · · · · · · · · · · · · · · · · · ·	22	reported the story out, the story did not
22	r	23	make the newspaper.
23		24	Q Do you supervise employees in the
24 25	didn't know about it. I'm saying no one at	25	Police Shack?
13			
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1	IKIMULISA LIVINGSTON	1	IKIMULISA LIVINGSTON
2	A No.	2	A I don't recall.
3	Q Are you aware of what employees in	3	Q If it happened about a year ago, is
4	the Police Shack are doing on any given day?	4	it safe to say it happened in 2010 or 2011?
5	A No.	5	A I didn't say it happened a year
6	Q Is there only one reason why a	6	ago. I said it happened more than a year
7	story a reporter works on may not make it	7	ago.
8	into the newspaper?	8	Q Did it happen more than two years
9	A I don't think I I don't	9	ago?
ΙO	understand that question.	10	A I don't recall.
11	Q Is it true there are a number of	11	Q So you don't recall all the details
12	reasons why a story may not make it into the	12	surrounding this story?
13	newspaper?	13	A I don't recall the day or exactly
14	A Oh, sure.	14	the year, but I recall some of the details
15	Q And who makes the decision as to	15	of the story.
16	which stories make it into the paper?	16	Q Some of the details.
17	A The editors.	17	Do you recall who was working the
18	Q And by the way, you mentioned that	18	Police Shack that day?
19	this happened more than one year ago. So	19	A No, I don't know. I don't remember
20	today is January 2012. Would you say this	20	who was working the Police Shack that day.
21	happened in 2011?	21	Q Did you speak to all of the Post
22	A No, I don't think it did happen in	22	employees who were working in the Police
23	2011.	23	Shack that day?
24	Q So did it happen in the latter part	24	A I did not speak to every employee
25	of 2010?	25	who was working in the Police Shack that

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$ _{1}$	IKIMULISA LIVINGSTON	1	IKIMULISA LIVINGSTON
2	day.	2	Q Okay.
3	Q Then how is it that you are	3	So you were telling me that we
4	testifying under oath what the employees who	4	just got sidetracked a bit that Dan
5	were working in the Police Shack on that day	5	Greenfield gave you assignments to stories
6	were instructed to do?	6	that were not going to appear in the paper.
7	A Because the person I spoke to in	7	Is there anything else that you
8	the Police Shack told me that no one had	8	believe demonstrates how Dan Greenfield
9	assigned anyone to work on that story in the	9	discriminated against you on the basis of
10	Police Shack.	10	race that you didn't already describe in
11	Q And who did you speak with in the	11	connection with how you think Ms. Gotthelf
12	Police Shack?	12	discriminated against you?
13	MR. THOMPSON: Objection.	13	A Dan Greenfield spoke to me in a
14	A I don't recall who I spoke to at	14	very demeaning, disrespectful, demoralizing
15	that time.	15	way.
16		16	He speaks to me in a very
17	Q Do you recall when the time was	17	dismissive way, in a callus way.
1	that you spoke to the person?	18	He talks to me like I don't matter
18	MR. THOMPSON: Objection.	19	and my distributions don't matter. And he's
19	A Do you mean the time of day?	20	intimidating and is a bully.
20	Q I mean was it contemporaneously,	ž.	
21	was it the day this was happening?	21 22	Q How often do you speak to Mr. Greenfield?
22	A It was the day I was assigned to		
23	the story, yes.	23	A Almost daily. Almost daily when
24	Q But you don't recall who it was?	24 25	I'm working.
25	A No, I don't.		Q Are these conversations in person
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1	IKIMULISA LIVINGSTON	1	IKIMULISA LIVINGSTON
2	or over the telephone?	2	A I complained to Michelle. I've
3	A They're over the telephone, for the	3	complained to the HR Department, and I've
4	most part.	4	complained in my evaluations.
5	Q When did Mr. Greenfield start	5	Q I'm sorry?
6	speaking to you in this manner which you	6	A In my evaluations.
7	think is discriminatory?	7	Q In your evaluation.
8	A He's always pretty much spoken to	8	And these are the times that you
9	me that way.	9	complained about how Mr. Greenfield speaks
10	Q How many years have you worked with	10	to you?
11	Mr. Greenfield?	11	A Those are the times that I have
12	A I worked with him for I believe as	12	complained about racial discrimination
13	long as he's been an employee at the Post.	13	against me.
14	Q Do you know how many years that is?	14	Q But my question was: Have you ever
15	A I don't know how long he's been an	15	complained to anyone at the Post about the
16	employee of the Post.	16	way Mr. Greenfield speaks to you?
17	Q Have you ever complained to anyone	17	A Have I specifically?
18	at the Post about the way Mr. Greenfield	18	Q Correct.
19	speaks to you?	19	Have you specifically complained to
20	A I complained of racial excuse	20	anyone at the Post about how Mr. Greenfield
21	me.	21	speaks to you? That was the question.
22	I've complained about racial	22	A I have not specifically stated to
23	discrimination.	23	anyone at the Post about how he spoke to me.
24	Q Who did you complain to about	24	Q Are you aware of the complaint
25	racial discrimination at the Post?	25	procedure at the New York Post?

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1	IKIMULISA LIVINGSTON	1	IKIMULISA LIVINGSTON
2	A Yes, I am.	2	A To the Human Resources Department,
3	Q When did you first become aware of	3	yes.
4	the New York Post Human Resources	4	O And so it's true that in
5	Department?	5	December 2009 when you complained about race
6	A I don't recall.	6	discrimination, you didn't mention that you
7	Q Well, did you become aware of the	7	thought the way Mr. Greenfield spoke to you
8	New York Post Human Resources Department in	8	was discrimination or discriminatory; is
9	the last five years?	9	that correct?
10	A I don't recall.	10	A At that time, no.
	Q Well, do you know who currently is		Q Since December 2009, have you
12	the head of the New York Post HR Department?	12	spoken to anyone at the New York Post about
13	A No. I'm not one hundred percent	13	how you believe the way Mr. Greenfield
14	sure on that.	14	speaks to you is discriminatory?
15	Q Well, you mentioned a short while	15	A Have I've spoken to someone at the
16	ago that you complained about race	16	New York Post about
17	discrimination to HR.	17	Q Human Resources Department.
18	Can you tell me when you first	18	A Human Resources Department about
19	complained to the HR Department at the Post	19	the way Mr. Greenfield speaks to me?
20	about race discrimination?	20	Q Yes.
21	A That would have been in December of	21	A Is that your question.
22	2009.	22	No.
23		23	Q When did you complain to Michelle
24		24	Gotthelf about race discrimination?
25	time you complained to the HR Department about race discrimination at the Post?	25	You mentioned that a few minutes
	Page 44	1	Page 45
	IKIMULISA LIVINGSTON	1	IKIMULISA LIVINGSTON
2	ago.	2	agreed that the cartoon was offensive; is
3	A I complained to her about the	3	that correct?
4	cartoon. And I complained to her about the	4	MR. THOMPSON: Objection.
5	cartoon the day the cartoon ran in the	5	A It was my impression from what she
6	newspaper.	6	said to me that she agreed.
7	Q Was that an in-person conversation?	7	I believe she said, "I know."
8	A No, it was not.	8	Q And Ms. Gotthelf told you that she
9	Q How did you communicate with	9	thought the cartoon was disgusting; isn't
10	Ms. Gotthelf about the cartoon?	10	that right?
11	A I called and I got her voice-mail	11	A I don't recall if she said
12	and I left a message.	12	"disgusting."
13	And some time passed, she called me	13	Q Ms. Gotthelf told you that she was
14	back and we spoke.	14	sorry that you had to go through this; isn't
15	Q And Ms. Gotthelf apologized to you	15	that right?
16	about the cartoon; is that correct?	16	A I don't recall her saying that at
17	A I don't recall if she apologized to	17	all.
18	me. I don't recall her apologizing.	18	Q Ms. Gotthelf told you that you
19	Q What do you recall about the	19	could take some time off if you wanted to;
20	conversation?	20	isn't that right?
21	A I recall telling her that that	21	A No, she did not.
22	cartoon was very, very offensive to myself	22	Q You don't recall her telling you
23	and to the people of color, and she told me	23	that you could take time off?
24	that she agreed.	24	A I'm not saying I don't recall her
25	Q So Ms. Gotthelf told you that she	25	saying that. I'm saying she did not tell me

	Page 46	_	Page 47
1	IKIMULISA LIVINGSTON	1	IKIMULISA LIVINGSTON
2	that.	2	A No.
3	Q So your testimony is Ms. Gotthelf	3	Q Did you complain to any other
4	did not offer that you could take some time	4	editor at the New York Post about the
5	off if you wished in light of the cartoon?	5	cartoon?
6	A Ms. Gotthelf did not tell me I	6	A No.
7	could take some time off, no.	7	Q Do you know if Ms. Gotthelf was
8	Q Did you work that day?	8	aware of the cartoon prior to publication?
9	À Yes, I did.	9	A I don't know.
10	Q Do you recall if you worked a full	10	Q You didn't know then or you don't
11	day?	11	know now?
12	A If I worked that day, it was a full	12	A I didn't know then and I don't know
13	day, yes.	13	now.
14	Q You don't recall coming to work	14	Q So sitting here today, you think
15	late that day?	15	Ms. Gotthelf was possibly responsible for
16	A No, I don't believe so, no.	16	the selection of the cartoon?
17	Q You don't think so but it's	17	A Was responsible for the selection
18	possible that you came to work late that	18	of the cartoon?
19	day?	19	Q That's the question, yes.
20		20	A I don't know if she was responsible
21	011.	21	for the selection of the cartoon.
22		22	Q You've never spoken with Jesse
23		23	Angelo about the cartoon; is that right?
24	Z = J =	24	A No, I have not.
25	Resources about the cartoon?	25	Q What's the basis for your belief
	Page 48		Page 49
1	IKIMULISA LIVINGSTON	1	IKIMULISA LIVINGSTON
2	that Jesse Angelo approved the cartoon?	2	Q So in your court Complaint, based
3	A I spoke to others who said they did	3	on what Leonard told you, you felt
4	speak to Jesse about the cartoon and that he	4	comfortable stating "In fact, Jesse Angelo
5	saw it beforehand and didn't see anything	5	admitted to others that he had reviewed and
6	wrong with it.	6	approved the publication of the cartoon
7	Q Who did you speak with?	7	before it appeared in the newspaper"; is
8	A I spoke to Leonard Greene.	8	that right?
9	Q So Leonard Greene told you that	9	A I'm sorry. Could you read that
10	Mr. Angelo approved the cartoon in advance?	10	again?
11	A Leonard told me that he'd spoken to	11	Q In your court Complaint, based on
12	Jesse about the cartoon. Jesse said he saw	12	what Leonard Greene told you, you felt
13	the cartoon before it was published and that	13	comfortable stating "In fact, Jesse Angelo
14	he didn't see anything wrong with it.	14	admitted to others that he had reviewed and
15	Q Did you discuss the cartoon with	15	approved the publication of the cartoon
16	any other employees?	16 17	before it appeared in the newspaper"?
17	A Yes.	1 / 18	A Yes. O Yeah. Who were the "others"?
18	Q By the way, when did you have this	19	<ul><li>Q Yeah. Who were the "others"?</li><li>A The others in terms of that spoke</li></ul>
19	conversation with Leonard Greene?	20	to Jesse about it?
20	A Might have been that day.	21	Q Well, I don't know. In your
21 22	Q So you took what Leonard Greene	22	Complaint in Paragraph 69 it says "In fact,
22 23	told you as a fact?  A I understood I don't think	23	Jesse Angelo, the white managing editor at
24 24	Leonard lied to me about that, so, yes, I	24	the Post, admitted to others."
25 25	believe Leonard, what he said.	25	So I'm asking you who are the
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1	IKIMULISA LIVINGSTON	1	IKIMULISA LIVINGSTON
2	"others" referenced in that paragraph?	2	"demoted from your beat."
3	A I don't recall.	3	Are you referring to the Queens
4	Q Is it possible that it was just	4	Courthouse position?
5	Leonard Greene?	5	A That's correct.
		6	Q When were you demoted from the
6		7	Queens Courthouse position?
7	is possible. But if I said "others," then I	8	A In December 2008.
8	think there were probably others that also	1	
9	heard him, so	9	Q Do you know what Dan Greenfield's
10	Q But sitting here today, you can't	10	position was in December 2008?
11	identify anyone other than Leonard Greene	11	A I don't exactly know what the
12	who heard that Jesse Angelo had reviewed and	12	titles are for the editors or for Dan
13	approved the publication of the cartoon	13	Greenfield specifically.
14	before it appeared in the newspaper; is that	14	Q Do you know what Dan Greenfield's
15	correct?	15	position is today at the New York Post?
16	A Right now, I can't think of anyone	16	A I don't know exactly what his title
17	else.	17	is.
18	Q Is there anything that you haven't	18	Q Do you know that Dan Greenfield
19	told me that supports your belief that Dan	19	wasn't the deputy editor back in
20	Greenfield discriminated against you based	20	December 2008?
21	on your race at the New York Post?	21	A I do not know if he was or he was
22	A Well, I mentioned that he had	22	not.
23	something to do with me being demoted from	23	Q But you just said that he played a
24	my beat.	24	role in your demotion, right?
25	Q Wait. I'm sorry. When you say	25	A Yes.
	Page 52	<b>†</b>	Page 53
1	IKIMULISA LIVINGSTON	1	IKIMULISA LIVINGSTON
2	Q So if he wasn't in his current	2	A I was there from winter of 2006
3	position, how do you know that he had any	3	until I was removed, wrongly, in 2008 of
4	authority to demote you back in 2008?	4	December.
5	A I think regardless of his title, I	5	Q Okay. Winter of 2006 through
		6	December 2008; is that right?
6	think he played a role in my demotion.	7	•
7	Q Tell me the factual basis for that	1	
8	belief.	8	Q So when you were the Queens
9	A Dan Greenfield was an editor at the	9	Courthouse reporter, where did you report to
10	Post. I believe he was a confidente of	10	work every day?
11	Michelle Gotthelf. And I believe he played	11	A I'm sorry?
12	a role in my demotion.	12	Q I didn't mean to cut you off.
13	Q Confidante.	13	A When I was the Queens Courthouse
14	Why do you believe he was	14	reporter, I went to work at the Queens
15	confidante of Michelle Gotthelf back in	15	Courthouse.
16	December 2008?	16	Q What time did you report to the
17	A She was the Metro editor and he was	17	Queens Courthouse, generally?
18	an editor.	18	A It varied.
19	Q So you do remember the titles of	19	Q Was it sometime between 9 and
20	some people at the New York Post?	20	10 a.m.?
21	A I'm not specific on exactly what	21	A It varied.
22	all the titles are for all of the editors.	22	Q What did it vary on? When did it
23	Q Okay.	23	change?
24	Tell me, how long did you hold the	24	A It depended on the cases I was
25	Queens Courthouse position?	25	working on.

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1	IKIMULISA LIVINGSTON	1	IKIMULISA LIVINGSTON
2	Q Okay.	2	Q What was the latest you stayed at
3	What's the earliest you ever	3	the Queens Courthouse?
4	reported to work at the Queens Courthouse?	4	A I don't recall the latest time I've
5	A I don't recall the exact time, but	5	been there.
6	there are times when I certainly got there	6	Q You don't recall?
7	very early.	7	A I don't recall the latest I've been
8	Q What time did the doors open at the	8	there.
9	Queens Courthouse, do you know?	9	Q On average, what time did you leave
10	A I don't recall exactly what time	10	the Queens Courthouse?
11	they opened.	11	A It varied.
12	Q Did you ever get there at 7 a.m.?	12	Q Did you have a desk at the Queens
13	A I believe I have gotten there at	13	Courthouse?
14	7 a.m.	14	A Yes, I did.
15	Q Did you ever get there at	15	Q When you were a Queens Courthouse
16	6:30 a.m.?	16	reporter, did you report to work at
17	A I don't recall.	17	1211 during normal business hours?
18	Q So the earliest you recall arriving	18	A I'm sorry. When I was at the
19	there is 7 a.m.; is that right?	19	Queens Courthouse?
20	• • • • • • • • • • • • • • • • • • • •	20	Q Correct.
21		21	A Did I report to
22	- r · · · · · · · · · · ·	22	Q When you were a Queens Courthouse
23		23	reporter, did you report to work at the New
24		24	York Post offices at 1211 Avenue of the
25	don't recall.	25	Americas during normal business hours?
	Page 56		Page 57
1	IKIMULISA LIVINGSTON	1	IKIMULISA LIVINGSTON
2	A Normally not, no.	2	occasions when I, as a general assignment
3	Q So in December 2008 is when you	3	reporter on Sundays while I was also working
4	stopped being a Queens Courthouse reporter,	4	as a Queens Court reporter, when I did go to
5	right?	5	the office.
6	A That's correct.	6	Q From Monday through Friday, 9 to 5,
7	Q And you said you started sometime	7	when you were a Queens Courthouse reporter,
8	in the winter of 2006; is that right?	8	how many times would you say, instead of
9	A That's correct.	9	reporting to your desk at the Queens
10	Q So is it fair to say that you	10	Courthouse, you went to 1211 Avenue of the
11	didn't report to work at the New York Post	11	Americas?
12	offices at 1211 Avenue of the Americas until	12	A I don't recall.
13	sometime before winter 2006; is that right?	13	Q Well, was it more than once?
14	A No. That's not absolutely correct.	14	A I think it probably was more than
15	Q So tell me when you reported to	15	once.
16	work at 1211 Avenue of the Americas during	16	Q Was it more than five times?
17	normal business hours while you were a	17	A I don't know.
18	Queens Courthouse reporter.	18	Q Why would you not go to work at the
19	A Well, if we're talking about normal	19 20	Queens Courthouse and instead go to the New York Poet offices when you were on that
20	business hours?	21	York Post offices when you were on that beat?
21	Q Yeah, that was the question.	22	A Well, when Michelle called me, I
22 23	Normal business hours.  A If we're talking about normal	23	believe it was December 2nd or 3rd I
24 24	A If we're talking about normal business hours. Normal business hours for	24	think it was the 3rd, she called me when I
25 25	me also included Sundays, so there were	25	was at the Queens Courthouse and asked me to
FJ	me also metuded buildays, so there were	t	mas at the Queens Courthouse and asked me to

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1	IKIMULISA LIVINGSTON	1	IKIMULISA LIVINGSTON
2	come in to the office at 1211 Sixth Avenue	2	rare occurrence that you wouldn't go to the
3	the following day. And I reported to work	3	Queens Courthouse and you would instead go
4	that day at 10 a.m. I believe it was	4	to 1211 Avenue of the Americas during normal
5	10 a.m. at 1211.	5	business hours Monday through Friday?
6	Q Is this December 2nd or 3rd, 2008?	6	A I would say that it was it would
7	A 2008, yes.	7	have been out of the ordinary. It would
8	Q So that's when your position was	8	have been unusual.
9	being reassigned; is that right?	9	Q And while you were a Queens
10	A That's when she demoted me.	L O	Courthouse reporter, your testimony is you
11	Q Well, I'm talking about the time	L1	also worked on Sundays; is that right?
12	that you actually were a Queens Courthouse	L2	A For part of the time I was a Queens
13	reporter, was there any time when instead of	L3	Courthouse reporter, yes.
14	going to work at the Queens Courthouse you	L 4	Q And what were your job
15	instead went to work at 1211 Avenue of the	L5	responsibilities when you worked on Sundays?
16	Americas?	16	A I was a general assignment
17	A And you are referring to only	L7	reporter.
18	Monday through Friday?	L8	Q And the work you did on Sundays,
19	Q Only Monday through Friday, during	19	was that overtime?
20		20	A No.
21		21	Well, sometimes there would be
22		22	overtime.
23		23	Q And the overtime would be the work
24		24	you did on Sundays?
25		25	A Are you asking me if the Sunday
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1	IKIMULISA LIVINGSTON	1	IKIMULISA LIVINGSTON
2	shift I worked was overtime?	2	covered the Queens Courthouse on Fridays.
3		3	Q When you worked Sunday through
4	Q Yes. A No.	4	Thursday during that time period, did you
5	Q When you worked on Sundays, were	5	interact with Dan Greenfield on the Sundays
6	you working on stories relating to your	6	you were in the office?
7	Queens Courthouse reporter beat?	7	A I don't recall.
8		8	Q Well, based on your testimony, the
	A Usually not. Q How many Sundays would you say you	_	
9 10		9 10	only time you would have been in the office with Dan Greenfield on a regular basis would
11	worked between the winter of 2006 and	11	
	December of 2008?	12	have predated your assignment to the Queens
12 13	A For much of that time up until	13	Courthouse reporter beat; is that correct?  A I don't know when Greenfield
	2008, my shift was Sunday through Thursday.	13 14	
14	Q So is it your testimony that when	14 15	started working at the Post.
15 16	you were a Queens Court reporter, you didn't	15 16	Q You may not recall the date sitting
10 17		17	here today, but based on your work schedule
18 18		18	and what you just described, the only time that you would have interacted with Dan
19 18	I'm sorry. Up until 2008, I worked	10 19	
20	Sunday through Thursday, I worked	20	Greenfield would have been pre your
	, <u>,</u> ,		assignment to the Queens Courthouse reporter
21	•	21	position; is that correct?
22		22	A I don't recall working with
23	• •	23	Greenfield before that.
24	•	24	Q So you don't recall working with
₽5	A It's my understanding that no one	25	Dan Greenfield before the Queens Courthouse

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1	IKIMULISA LIVINGSTON		1	IKIMULISA LIVINGSTON
2	reporter assignment, and that may be because		2	him, and I know from Austin Fenner that
3	he wasn't at the Post.		3	Greenfield yelled and screamed and cursed at
4	And tell me then, when have you		4	him.
5	been in the office on a regular basis with		5	And in my interactions with some of
6	Dan Greenfield?		6	my white reporter colleagues, they have
7	When I say "the office," I'm		7	never mentioned about Greenfield speaking to
8	referring to 1211 Avenue of the Americas.		8	them in that matter.
9	A On a regular basis?		9	Q Who else have you spoken with other
10			10	than Leonard Greene and Austin Fenner, your
11			11	co-plaintiffs in this case?
			12	
12	regular basis with Dan Greenfield.			MR. THOMPSON: Objection.
13	Q So you testified earlier when you		13	A I don't understand the question.
14	speak with Dan Greenfield it's on the		14	Q Who else have you spoken with
15	telephone; is that right?		15	regarding the manner in which Dan Greenfield
16	A For the most part, yes.		16	speaks to reporters other than Mr. Greene
17	Q So how do you know how Dan		17	and Mr. Fenner?
18	Greenfield speaks with other people when you		18	MR. THOMPSON: And other than
19	are out of the office and having private		19	counsel, correct? Please make that
20	conversations with him on the telephone		20	clear.
21	only?	- 1	21	MS. LOVINGER: I'll withdraw
22	A Well, I know from my colleagues,		22	that question and make it clearer.
23	from Leonard, he's told me how Greenfield		23	Q Tell me what other New York Post
24	has spoken to him on occasion.	3	24	reporters you've spoken with, either current
25	He's yelled at him and screamed at		25	or former New York Post reporters, regarding
	Page	64		Page 65
1	IKIMULISA LIVINGSTON		1	IKIMULISA LIVINGSTON
2	the manner in which Dan Greenfield speaks to		2	problems?
3	them other than Mr. Greene and Mr. Fenner?		3	A Yes.
4	A I've spoken to other reporters just		4	Q Do you know if Amber Sutherland
5	out on the field sometimes.		5	knows that you are suing the New York Post?
6	Q Tell me who.		6	A Yes, I believe that she's aware.
7	A I've spoken with Amber Sutherland,		7	Q Well, given that Amber Sutherland
8	Kevin Fasick.		8	knows that you are suing her employers,
9	Those are the two that come to mind		9	wouldn't you agree that she might be
10	right now. And at no time did they tell me		10	hesitant to criticize them to you?
11	that they were spoken to in that same matter		11	A I don't know that.
12	by Dan Greenfield.	,	12	Q But it wouldn't be unreasonable,
13	Q Have you ever asked Amber		13	wouldn't you agree?
14	Sutherland if Dan Greenfield has ever raised		14	A I don't know.
15	his voice at her?		15	Q So Amber Sutherland did not tell
16	A I have not specifically asked		16	you that Dan Greenfield doesn't yell at her;
17	Amber, "Did Dan yell at you or scream at		17	is that right?
18	you" but I've asked in general, how's it		18	A That would be true.
19	going, how do you like the Post, that sort		19	Q How about Kevin Fasick?
20	of thing.	ļ	20	Tell me what Kevin Fasick told you.
21	Q Is Amber Sutherland a friend of		21	A Kevin Fasick never said that
22	yours?		22	Greenfield yelled at him.
22 23	•		23	and the second of the second o
24			24	Q Has Kevin Fasick ever told you that Dan Greenfield hasn't yelled at him?
			25	
25	confide in you about her work-related		ر ب	A No, he hasn't specifically said

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1	IKIMULISA LIVINGSTON	1	IKIMULISA LIVINGSTON
2	that.	2	yells at them.
3	Q And Kevin Fasick also knows that	3	Q But none of the white reporters
4	you are currently involved in a litigation	4	you've talked to have told you that Dan
5	against the New York Post; isn't that right?	5	Greenfield doesn't yell at them; isn't that
6	MR. THOMPSON: Objection.	6	correct?
7	A I don't know that.	7	A I don't recall specifically.
8	Q Have you spoken with any other	8	Q Are you changing your testimony of
9	reporters in addition to Leonard Greene,	9	a few minutes ago?
10	Austin Fenner, Amber Sutherland and Kevin	10	A No, I'm not changing my testimony.
11	Fasick; anyone other than those four	11	Q Have you specifically asked every
12	individuals, regarding Dan Greenfield?	12	white reporter at the New York Post if Dan
13	A I've talked to Lorena Mongelli, and	13	Greenfield yells at them?
14	I can't recall exactly right now I'm	14	A No, I have not.
15	trying to think of exact conversations, but	15	Q Is there anything else that Dan
16	right now doesn't come to mind.	16	Greenfield has done to support your belief
17	Q And has Lorena Mongelli ever told	17	that he's discriminated against you based on
18	you that Dan Greenfield never yells at her?	18	your race?
19	A No, she's never told me that he	19	A Dan Greenfield also was involved
20	never yells at her.	20	with my evaluations, and all of those
21	Q So do you have any factual basis to	21	evaluations those evaluations for the
22		22	most part were wrong and untrue.
23		23	Q Do you know when the New York Post
24	A None of the white reporters I've	24	started administering performance
25		25	evaluations?
**********	Page 68		Page 69
1	IKIMULISA LIVINGSTON	1	IKIMULISA LIVINGSTON
2	A The first evaluation I had was in	2	against you based on your job performance
3	2008. I recall that being the first time	3	evaluation in 2008; is that right?
4	there was a formal process.	4	A I'm certain I talked to Dan
5	Q And you testified earlier you don't	5	Greenfield in 2008. I believe he was an
6	even know if Dan Greenfield was an employee	6	employee.
7	of the Post in 2008; isn't that right?	7	Q And you think Dan Greenfield
8	A 2008?	8	evaluated your performance in 2008?
9	Q Yeah. Yes.	9	A I said I don't know that he did
10	A I think Dan was an employee in	10	not.
11	2008.	11	Q Is there anything else other than
12	Q Well, did Dan Greenfield review	12	what you've already told me that supports
13		13	your belief that Dan Greenfield
14	A I don't know if he reviewed my job	14	discriminated against you based on your
15	performance. I don't know if he was the one	15	race?
16	to review me in 2008.	16	A I think I mentioned, or if I
17	Q So you are not alleging that Dan	17	didn't, the fact that he gives me dead-end
18	÷ ,	18	stories that don't go anywhere; the way he
19	on your evaluation in 2008; is that right?	19	speaks to me that is that's offensive.
20		20	I think he did play a role in my
21		21	demotion.
22		22	Q When you say "demotion," you are
23		23	referring to the Queens Courthouse position?
24	2 2 2	24	A That would be correct.
25	alleging that Dan Greenfield discriminated	25	And sometimes I don't get bylines

IKIMULISA LIVINGSTON Q And when you say "recently," do you mean 2011? A I mean when Michelle and Dan began to discriminate against me. Q What's the time frame of when Michelle and Dan began to discriminate against you? A I would say when Michelle became the Metro editor. Q And that was Michelle became the Metro editor when you were assigned to the Queens Courthouse; is that correct? A I believe that's correct. Q Michelle was promoted to the Metro editor in December 2007. Does that sound right? A I don't know. Q Yeah, that's when Michelle was promoted. So your testimony is that Michelle Gotthelf started discriminating against you  I IKIMULISA LIVINGSTON Metro editor or somewhere around that time, I know I had a desk at the office, I had a phone at the office and those things were taken from me. This is still when I was a reporter working on Sundays, working the Sunday-through-Thursday shifts. And yes, it continued from then on. Q So is it your testimony that you had a desk in the newsroom prior to December 2007 and when you became a Queens Courthouse reporter, that desk was taken away from you? A No, that's not what I'm saying. Q Well, your testimony was "Soon after Michelle became the Metro editor, I know I had a desk at the office, I had a phone at the office and those things were taken away from me." And we just established that Does mean 2017 and when you became a Queens Courthouse reporter;  A I don't know.		Page 70	-	Page 71
2 on stories that I contribute to and I think ditors play a role — editors have played a role in that, and he's an editor. Right now, that's what comes to mind right now. Q Okay. During your time at the New York Post, haven't you heard of numerous incidents where white reporters didn't get bylines on stories they've worked on? Let A In the nearly 15 years that 1 worked at the New York Post? Ves. A For the majority of time, people got bylines for what they contribute to a story. B Q So that doesn't answer the question, though. Dury nearly 15 years that you've worked at the New York Post, have you ever beard of a white reporter not getting a byline for a story they worked on? Let A I think that there are occasions byline for a story they worked on? Let A I think that there are occasions byline for a story they worked on? Let A I think that there are occasions byline for a story they worked on? Let A I think that there are occasions byline for a story they worked on? Let A I think that there are occasions byline for a story they worked on? Let A I think that there are occasions byline for a story they worked on? Let What's the time frame of when Michelle and Dan began to discriminate against you? A I would say when Michelle became the Metro editor.  Metro editor when you were assigned to the C Q Mand when you were assigned to the C Q Michelle was promoted — Michelle C Gotthelf was promoted to the Metro editor in December 2007. Does that sound right?  A I don't know. C Yeah, that's when Michelle was During your time at the New York Post? A I though a desk at the office, I had a phone the Metro editor.  A I believe thats's owned the they worked on So your testimony is that Michelle So your testimony is that	1	IKIMULISA LIVINGSTON	1	IKIMULISA LIVINGSTON
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Gotthelf started discriminating against you 23 you became the Queens Courthouse reporter;		•		
		•	Ř.	
‡4 in or around December 2007?	24		ē	
A Soon after Michelle became the 25 MR. THOMPSON: Objection.			ş.	

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1	IKIMULISA LIVINGSTON	e paramente a colonidado de la colonidad	1	IKIMULISA LIVINGSTON
2	A No.	-	2	things were all being taken out of the
3	Q I'm sorry. You were actually	***************************************	3	drawers and everything was being cleared off
4	you were the Queens Courthouse reporter when	al comment	4	of the desk and placed on top of file
5	Michelle was promoted?	o chambility	5	cabinets where people generally those are
6	A That's correct.	Park Times	6	freebies that people just come and take and
7	Q So is it your testimony that when	a (Nilliana)	7	that I needed to come and get my things.
8	Michelle Gotthelf was promoted, you lost	-	8	Q And who was the white woman who was
9	your desk at 1211 Avenue of the Americas?	de la cast	9	being assigned to your desk?
10	A It was around that time. I don't	1	LO	A I don't recall her name.
11	exactly remember when. I know that Michelle	- 1	1	
12	was on the desk and at some point she called	- 3	2	Q She just said "I'm assigning your desk to a white woman"?
13	me, telling me that they were taking away my		. 3	
14	desk and that I needed to come in and get my	- 1	4	A She did not say that, no.
15	things. And it was my understanding that a	1	.5	Q Well, what did she say to you, to
16	white woman was being placed in the desk	1	.6	the best of your recollection?
7	that I had basically been in since 1997.	1	. 7	MR. THOMPSON: Objection.
1.8	Q So you received this phone call	- 1	. 7 . 8	A I believe I just told you what she said to me.
19	while you were at the Queens Courthouse?	- 1	. 0	
20	A That's correct.		20	Q Well, you said that you believed a
21	Q And did Michelle Gotthelf offer you	- 1	21	white woman was given your desk.
22		- 1	22	What is the basis for that belief?
23	a reason as to why your desk was being removed?		23	A I learned later on and I would see
24	A I don't recall. I don't recall her	1		a white woman sitting at my desk, at the
25 25			24 25	desk that was mine.
<u> </u>	giving me a reason. She just said that my			Q Do you know if there were other
,	Page	/0	_	Page 77
1	IKIMULISA LIVINGSTON		1	IKIMULISA LIVINGSTON
2	available desks in the newsroom at that		2	in the office.
3	time?	all the same of th	3	Q Did you use someone else's desk?
4	A I don't know.	avionation), ra	4	A I don't recall right now.
5	Q But you testified earlier that at	Separate and	5	Q So sitting here today, you don't
6	that time you had a desk at the Queens	and the same of th	6	recall where you performed the work you said
7	Courthouse; is that right?	at on the same	7	you performed on Sundays during this time
8	A Yes.	complication.	8	period when you were at the Queens
9	Q So why would you need two desks?	et Chipton	9	Courthouse; is that your testimony?
10	A Sometimes I worked as a general	- 5	.0	A Do you mean after my desk was
11	assignment reporter and on Sundays I	1	1	taken?
12	worked as a general assignment reporter and		2	Q Yes. After your desk was taken
1.3	sometimes I would go into the office during		3	away.
1.4	the commission of my job.	- 1	4	A I think a lot of times I ended up
1.5	Q Right. But there were a lot of	3	5	writing doing work from my car or doing
16	other desks that were available on Sunday	- 1	6	work from home.
17	because people who worked different shifts	1	7	Q Well, during the period of time you
18	during the week weren't all in the office on	4	8	were Queens Courthouse reporter, you said
19	Sunday; isn't that right?	3	9	that when you weren't in the Queens
20	A I don't know.	- 1	0	Courthouse you were working on Sundays as a
21	Q Well, tell me what you did when you	2		general assignment reporter; is that right?
22 23	came into the office on Sunday.		2	A Yes.
K 3	Did you sit did you have to sit	- 1	3	Q So when you are a general
24	on the floor?	2		assignment reporter, isn't your job to be
25	A I don't recall sitting on the floor	2	5	out in the field on the streets?

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1	IKIMULISA LIVINGSTON	1	IKIMULISA LIVINGSTON
2	MR. THOMPSON: You are right.	2	December 2007; is that correct?
3	And let's also make clear that you	3	MR. THOMPSON: Objection.
4	produced 600 pages a day or two	4	A No. No, I'm not saying that that's
5	before *defendant's deposition in	5	absolutely when Ms. Gotthelf started
6	this case.	6	discriminating against me.
7	Thank you. Just continue.	7	Q Are you changing your testimony?
8	Six hundred pages of documents that	8	A No, I'm not changing my testimony.
9	we had to review.	9	Q When are you now saying that
10	MS. LOVINGER: Do you want to	10	Ms. Gotthelf started discriminating against
	have a dispute about this?	11	you?
12	MR. THOMPSON: No. I want you	12	MR. THOMPSON: Objection.
13	to continue with your deposition, Ms.	13	· · · · · · · · · · · · · · · · · · ·
14	Lovinger.	14	A Prior to I'm sorry, I take that back, "prior to."
15	MS. LOVINGER: You just need to	15	
16	get in the last word is all it is.	16	The discrimination has been ongoing for a while and Michelle has sent I did
17	MR. THOMPSON: No, I don't.	17	mention that Michelle also talked about
18	I'm want you to continue.	18	
19	MS. LOVINGER: And I will	19	e-mails, story pitches that I provided that
20	continue.	20	I would send them, and she just called them
21		21	"low rent" when they related to black people
22	MR. THOMPSON: Thank you. BY MS. LOVINGER:	22	or people of color, Latinos.
23		3	And then there were other occasions
24	Q Ms. Livingston, you testified that	23 24	when I felt like she discriminated against
25 25	Ms. Gotthelf started discriminating against	25	me.
	you when she was promoted to Metro editor in		I was specifically focusing on the
	Page 84		Page 85
1	IKIMULISA LIVINGSTON	1	IKIMULISA LIVINGSTON
2	fact that I lost my desk around that time in	2	Q Well, if you can just answer this
3	the newsroom and it was given to a white	3	question and then we can move on to whatever
4	woman.	4	else you want to talk about.
5	Q And you don't know who that white	5	But the question right now was when
6	woman is, correct?	6	did Michelle Gotthelf start discriminating
7	A No. I remember meeting her, but I	7	against you.
8	don't recall her name.	8	A I don't have an exact date from
9	Q So when did Michelle Gotthelf start	9	when the discrimination by Ms. Gotthelf
10	discriminating against you, in your opinion?	10	began.
11	A I don't have an exact date of when	11	Q Before the break, you testified
12	the discrimination began.	12	that Michelle Gotthelf started
13	I just know that the evaluations I	13	discriminating against you while you were at
14	received were untrue. I was demoted from my	14	the Queens Courthouse, because that's around
15	job at the Queens County Courthouse.	15	the time she was promoted to Metro editor.
16	She referred to stories about black	16	Are you changing that testimony?
17	people and Latino as "low rent."	17	A Well, no, I'm just adding to it.
L 8	Q Before the break, you testified	18	There were other instances, too.
19	MR. THOMPSON: Wait. Are you	19	For instance, when I was applying
20	finished, Ms. Livingston, answering	20	for when I requested being given this
21	her question?	21	beat, this Queens Courthouse beat, I had to
22	A No, no. There were other things I	22	ask repeatedly Michelle and Jesse Angelo to
23	want to talk about.	23	be permitted to apply for this beat, to be
24	In relation to Ms. Gotthelf and as	24	given this opportunity to do this beat.
25	well as Greenfield, you asked me	25	And I asked Jesse Angelo verbally,

	Page 86		Page (	87
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1	IKIMULISA LIVINGSTON	1	IKIMULISA LIVINGSTON	l
2	I asked Michelle verbally. At some point I	2	times I spoke to them.	
3	had heard from others that someone had been	3	I know I spoke to her to	
4	hired, a white woman had actually been hired	4	Michelle about it. I know I spoke to Jesse	
5	to do that job. And about that time I	5	about it on more than one occasion.	
6	actually had something I wrote	6	And I'm including the e-mail I sent	
7	something I had something in writing	7	as well.	
8	saying I would like to be considered for	8	Q Do you know the period the time	
9	this position.	9	span between the time you first expressed	
ΙO	I included clips of my work despite	10	interest in the Queens Courthouse position	l
11	the fact I had worked there for nine years	11	and the time when you were actually given	
12	as a general assignment reporter and covered	12	the position?	
13	numerous court cases. I actually submitted	13	A No, I don't recall.	
14	with my e-mail request actual stories that I	14	Q But is it your testimony that it	
15	had worked on as examples, despite the fact	15	took a long time to convince them to give	
16	that I had worked there for nine years.	16	you a shot at the Queens Courthouse	
17	And then when I was finally given	17	position?	
18	the beat, I was told that it was a	18	MR. THOMPSON: Objection.	
19	probationary, it was just a probationary to	19	A I just know I had to repeatedly ask	ı
20	see how I did at it.	20	to be considered for the position.	
21	Q How many times did you have to	21	Q And why is this, in your mind,	
22	speak with Mr. Angelo and Ms. Gotthelf about	22	evidence of discrimination on the par of	
23	the Queens Courthouse reporter position that	23	Michelle Gotthelf?	1
24	you were seeking?	24	A Well, I don't think other white	
25	A I don't remember exactly how many	25	reporters have to repeatedly ask to be	
	Page 88		Page {	89
1	IKIMULISA LIVINGSTON	1	IKIMULISA LIVINGSTON	l
2	considered for a position. And I know that	2	the last question you asked her.	
3	my colleague Leonard Greene has repeatedly	3	THE WITNESS: May I continue?	- 1
4	asked for an opportunity to apply for an	4	MR. THOMPSON: Wait. Wait.	
5	editor job, for other jobs in the newsroom,	5	Are we clear what your last	
6	and actually I recall just talking to him	6	question is, because that's not what you	
7	about how he actually applied for an editor	7	said. The transcript we have right now	
8	job and they had all these different people,	8	in the computer we're all looking at	
9	these white people doing tryouts on the desk	9	shows your last question.	
10	and	10	MS. LOVINGER: We're talking	
	Q Ms. Livingston	11	about the Queens Courthouse position.	
12	MR. THOMPSON: No, no. She's	12	MR. THOMPSON: Your last	
13	answering the question.	13	question she was in the middle of	
14	MS. LOVINGER: This is a	14	answering your last question. You	l
15	different question.	15	have to let her	
16	MR. THOMPSON: No, no. She's	16	MS. LOVINGER: Let's continue	ı
7	answering the question about the	17	because we are wasting time	
18	defendant Michelle Gotthelf.	18	unnecessarily.	
19	MS. LOVINGER: But	19	MR. THOMPSON: Please continue	
20	MR. THOMPSON: Look at the	20	to answer her last question.	
21	question	21	A Leonard was just telling me how	
22		22	demoralizing it was for him to actually have	1
23		23	taken assignment from someone who was	
24		24		
25		25	applying for, a tryout a white person, a	
۲	IVIIX. TITOIVII DOIN. DELS IOUK AL	F 7	white man who was trying out for the job	- 1

	Page 90		Page 91
1	IKIMULISA LIVINGSTON	1	IKIMULISA LIVINGSTON
2	that he wouldn't even get a tryout for.	2	fact that Leonard has repeatedly asked to be
3	Q So is it your testimony that it	3	considered and has applied for different
4	took you four or five years to determine	4	positions at the Post.
5	that what happened to you when you were	5	And before that a friend of mine,
6	applying for the Queens Courthouse position	6	Angela Allen, who worked at the Post, she
7	could be somehow discriminatory?	7	also applied or asked to be considered to go
8	MR. THOMPSON: Objection.	8	to the Washington bureau, and she was told
9	A I'm sorry. Could you ask the	9	by Jesse Angelo, "No, and if you don't like
10	question again, please.	10	it you can go somewhere else."
11	Q We were talking about you and your	11	The fact that over the course of
12	assignment to the Queens Courthouse	12	all those years that Neil Graves has worked
13	position, and when I asked you why you think	13	for the Post and was essentially fired by
14	Ms. Gotthelf's actions in connection with	14	Michelle who was fired by Michelle even
15	your assignment to the Queens Courthouse	15	though he was sick and she would try to give
16	were discriminatory, you started giving me	16	him clerk work to do.
17	an answer about Leonard Greene.	17	You know, all those things lead me
18	So I'm asking you if it's your	18	to believe that Michelle is racist.
19	testimony that you, through Leonard Greene,	19	Q We're back in 2006 and your
20	recently determined that what happened to	20	application to the Queens Courthouse
21	you when you were applying for the Queens	21	position.
22	Courthouse position was somehow	22	You said that you repeatedly had to
23	discriminatory?	23	ask for the assignment to the Queens
24	A The fact that I had to repeatedly	24	Courthouse position, to be considered for
25	ask to be considered for this position, the	25	the Queens Courthouse position.
	Page 92		Page 93
1	IKIMULISA LIVINGSTON	1	IKIMULISA LIVINGSTON
2	Do you know how many times you	2	Identification.)
3	spoke with Michelle Gotthelf about wanting	3	BY MS. LOVINGER:
4	the Queens Courthouse position?	4	Q Do you see this e-mail?
5	A I told you I don't remember exactly	5	A I see the e-mail.
6	how many times I asked her. I know I	6	Q And in the first line of the
7	verbally asked her. I know I sent an e-mail	7	e-mail, you say "Hello, I understand the
8	and a minimum of my asking her twice.	8	Queens Courthouse beat is open. I would
9	So I think there were more than two	9	like to be considered for the position."
10	occasions.	10	Do you see that?
11	Q And in your Complaint, you claim	11	A Yes, I do.
L2	that you were forced to effectively beg for	12	Q So is it fair to say that on
13	the Queens Courthouse position; is that	13	January 27, 2006, you reached out to
14	right?	14	Mr. Angelo and Ms. Gotthelf and expressed
15	A That's correct.	15	interest for the Queens Courthouse position;
16	Q Ms. Livingston, I'm going to show	16	is that right?
17	you what's been marked as Livingston	17	A Are you asking if this is the first
18	Exhibit 1. It's an e-mail from you to Jesse	18	time?
19	Angelo and Michelle Gotthelf dated	19	Q I'm asking if on January 27, 2006,
20	January 27, 2006, and it's Bates stamped	20	you expressed interest in the Queens
21	IL-592 through IL-596.	21	Courthouse position?
22	(Livingston Exhibit 1, E-mail	22	MR. THOMPSON: Objection.
23	dated Friday, January 27, 2006,	23	A I sent an e-mail and if it's dated
24	3:19 p.m., Bates Numbers IL-592	24	that day, then that's the day I sent the
25	through IL-596, was marked for	25	e-mail.

1 IKIMULISA LIVINGSTON 2 A That person was Steve Marsh. 3 Q So are you now claiming that Steve 4 Marsh discriminated against you in asking 5 you to turn your notes over to a white 6 reporter? 7 MR. THOMPSON: Objection. 8 A I'm not saying that Steve Marsh was 9 discriminating against me. I'm saying that 1 Steve Marsh was—directed me to turn my 11 notes to the good friend of Michelle 2 Gottheff and also Bridget Harrison, who was 13 romantically involved with Jesse Angelo. 4 Q But I'm confused because we're 15 talking about acts of perceived 16 discriminator. 1 So again the question is: Can you 18 tell me if anyone else at the New York Post 19 till gean think of right now. 2 New York Post? 2 A Right now, that's the only other 2 New York Post? 3 A No, I don't recall anyone else, no. 4 Q We received 92 recordings involving 5 Post employees. 4 They would have been - the recordings. 5 Von Started making recordings of Post employee will be proporter; is that correct? 6 A Yes. 7 A No. 8 Q When did I make them? 9 Q Yes. When did you make these recordings? 9 A Men did I make them? 10 Q Yes. When did you make these recordings? 11 A Thy would have been - the recordings would have began shortly after recording would have began shortly after recordings would have began shortly after recording would have began shortly after recordin		Page 102		Page 103
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1 IKIMULISA LIVINGSTON 2 A When I was asked by someone with 3 HR, Lisa, to no longer do that. 4 Q Is that Lisa Sweberg you are 5 referring to? 5 A I believe that's her name. 6 A Since I don't really know what an 11 induction coil is, no. 12 Q You said that you used a digital 13 recorder. 14 Is that something that you hold up 15 to your phone? 15 A I used a digital recorder that's a 16 handheld digital recorder. 17 A When I was recording those 18 conversations, I would either — I don't 19 A When I was recording those 19 Conversations, I would either — I don't 20 A When I was recording those 21 conversations, I would be to next to — near my phone. 22 conversations? 23 IKIMULISA LIVINGSTON 24 Q Did you only record phone 25 conversations? 26 A I because he was yelling and 27 serve you contemplating a lawsuit? 28 A No. 29 You just said that you knew that 26 Zach Haberman was discriminating 29 against you? 20 Yeah. Did you record any in-person meetings with Post employees? 29 A Oh, okay, No. 20 An Ol, did not. I don't know how to edit then you produced? 3 A No, I did not. I don't know how to edit then supervisor? Did somebody tell you to make these recordings. Pa No, I did not. I don't know how to edit then when you record? 3 Iknew that the yelling the edit they or a conversations with your supervisor? Did somebody tell you to make these recordings? 4 No. 4 I knew that Tach Haberman was discriminating against mc. 5 I knew that the yelling, the screaming, the tone, the cursing, I knew all of these things were wrong and I didn't know what to do about what was going on with him. 5 So at one point I thought — I just thought, well, maybe I'll tell Michelle, but I just did this so that I could have a screaming and cursing at me, to me, and I would have a screaming and cursing at me, to me, and I would have a screaming and cursing at me, to me, and I would have a screaming and cursing at me, to me, and I would have a screaming and cursing at me, to me, and I would hav		Page 110		Page 111
2 A Men I was asked by someone with 3 HR, Lisa, to no longer do that. 4 Q Is that Lisa Sweberg you are 5 referring to? 6 A I believe that's her name. 7 Q When you tape-recorded 8 conversations, did you use an induction 9 coil? 10 A Since I don't really know what an 11 induction coil is, no. 11 Is that something that you hold up 12 Is that something that you hold up 13 recorder. 14 Is that something that you hold up 15 to your phone? 16 A I used a digital recorder that's a handheld digital recorder. 17 Q So do you hold it up to your 18 to toyour by hone? 18 Q So do you hold it up to your 19 to toyour by hen you record any in-person meetings with Post employees? 19 A No, I did not. I don't know how to edit them. 10 List that something that you hold up 11 to your phone? 12 to your phone? 13 these recordings? 14 The would hold it up to your 15 the phone when you record? 16 A I used a digital recorder that's a handheld digital recorder. 17 Q So do you hold it up to your 18 telephone when you record? 19 A No, I did not. I don't know how to edit them. 10 List that it is a supervisors? Did somebody tell you to make these recordings? 11 Know It I would hold it to my phone, but I who when you record phone when you record phone when you record on with thin would hold it to propone you have to rest to near my phone. 12 The your pode you would have to next to near my phone. 13 IKIMULISA LIVINGSTON you state that you knew that Zach Haberman was discriminating against you? 14 A No. 15 Q You just said that you knew that Zach Haberman was discriminating against you? 16 A Ro, I did not. I don't know it hought I just thought I list thought I just thought I list thought I	1	IKIMULISA LIVINGSTON	1	IKIMULISA LIVINGSTON
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A No. Denise Buffa is a white woman.  Q So you know for sure that Zach  2 THE VIDEOGRAPHER: The time is		· · · · · · · · · · · · · · · · · · ·		
Q So you know for sure that Zach 24 THE VIDEOGRAPHER: The time is				,
	1			
	25			

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1	IKIMULISA LIVINGSTON	1	IKIMULISA LIVINGSTON	
2	record.	2	Q No. I'm saying that.	
3	BY MS. LOVINGER:	3	I'm saying did you continue to work	
4	Q Ms. Livingston, when were you	4	in the Queens Courthouse after Michelle	
5	removed from the Queens Courthouse position?	5	Gotthelf told you that would no longer be	
6	A December 2008.	6	your personal assignment?	
7	Q Who told you you were being	7	A When she told me I was being	
8	removed?	8	demoted; that they were making a change, she	
9	A Michelle Gotthelf.	9	never told me when, so I thought I was out	
ιó	Q Did she call you?	ıó.	the next day.	
11	A Did she call me to tell me I was	ĺ	So the next day I called in to the	
12	being removed? Is that your question?	12	office, which is what you do on your general	
13	Q Yeah. How did she convey the	13	assignment, and I spoke to Greenfield,	
14	message?	14	telling them him that I'm available. I'm	
15	A She called me, told me to come in	15	not sure exactly what my words were. And he	
16	to the office the next day, and at that	16	told me, no, that's not going to start until	
17	time, the next day, she told me that they	17	next week.	
18	were making a change in the Queens	18	Q So you stayed in the Queens	
19	courtroom, in the Queens Courthouse.	9	Courthouse for one additional week?	
20	Q Do you remember how long before you	20	A I don't think it was a full week.	
21	stopped working in the Queens Courthouse she	21	It was three, maybe four days.	
22	had this conversation with you?	22	it was tillee, maybe four days.	
23	A How long are you saying that I	23	REDACTED	
24	was not in the Queens Courthouse when she	24	REDACTED	
25	removed me?	25		
	Page 116		Page 1	17
1	IKIMULISA LIVINGSTON	1	IKIMULISA LIVINGSTON	
2	replaced me in my Queens Courthouse beat.	2	INIVIOLISA LI VINOSTON	
3	replaced me in my Queens Courthouse ocas.	3		
4		4		
5		5		
6		6		
7		7		
8		8		
9		9		
lo		lo		
1.1	REDACTED		REDACTED	
12		12	1 (fraging 1 for 1) kings	
13		3		
14		4		
15		1.5		
16		16		
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21 22 23 24		23		
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+ ·1		25		

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1	IKIMULISA LIVINGSTON	1	IKIMULISA LIVINGSTON
2	more qualified for the Queens Courthouse	2	IKING BISH BI VII (GGT GIV
3	position; is that correct?	3	
4	MR. THOMPSON: Objection.	4	
5	A I don't know if he's more qualified	5	
6	or less qualified.	6	DES LAYER
7	Q You never had an employment	1 7	REDACTED
8	agreement at the New York Post, did you? An	8	
9	employment contract with the New York Post?	9	
.0	A I was hired by the Post. I don't	10	
1.	know of any contract.	ĺĭ	
.2	Q Well, did you ever have an	12	
.3	employment contract for a fixed period of	13	Q To the best of your knowledge, who
.4	time to work for the New York Post?	14	was responsible for removing you from the
.5	A No. I did not.	15	Queens Courthouse position?
.6	Q Did you ever have an employment	16	A Michelle Gotthelf, Jesse Angelo,
.7	contract in connection with a Queens	17	Dan Greenfield, Col Allan.
.8	Courthouse reporter position?	1.8	Q And what's the basis for your
9	A No, no one ever gave me a contract	19	understanding of how the decision was made
0	for that position.	20	to remove you from the courthouse?
1	Q Were you ever promised that you	21	A What's the basis?
2	would be at the Queens Courthouse reporter	22	Q Uh-huh.
3	position for any specific period of time?	23	Did someone tell you how the
4	A No.	24	decision was made to remove you from the
25	Q Do you know that REDACTED	25	Queens Courthouse position?
	Page 1	20	Page 121
1	IKIMULISA LIVINGSTON	1	IKIMULISA LIVINGSTON
2	A No, no one told me.	2	Dan Greenfield also had something to do with
3	•	3	that. He was part of the decision-making on
4	Q But you know that Michelle Gotthelf and Jesse Angelo were involved in that	4	that.
5	decision, correct?	5	
6	A Yes. I know the two of them were	6	Q Was your salary decreased A I'm sorry. Could I just state, I
7	involved in that decision, and I know that	7	think Zach Haberman would also have
8	· · · · · · · · · · · · · · · · · · ·	8	something to do with me being removed from
	one day  REDACTED	9	the Queens County Courthouse, since he was
O.			
9			
0		10	my immediate supervisor.
0	And then the next day, I believe it	10 11	my immediate supervisor.  I just wanted to add that.
0	And then the next day, I believe it was I was, demoted from my beat.	10 11 12	my immediate supervisor.  I just wanted to add that.  Q Okay.
.0 .1 .2 .3	And then the next day, I believe it was I was, demoted from my beat.  Q Who told you who made the decision	10 11 12 13	my immediate supervisor.  I just wanted to add that.  Q Okay.  Was your salary decreased when you
.0 .1 .2 .3	And then the next day, I believe it was I was, demoted from my beat.  Q Who told you who made the decision to remove you from the Queens Courthouse	10 11 12 13 14	my immediate supervisor.  I just wanted to add that.  Q Okay.  Was your salary decreased when you were removed from the Queens Courthouse
10 11 12 13 14	And then the next day, I believe it was I was, demoted from my beat.  Q Who told you who made the decision to remove you from the Queens Courthouse position?	10 11 12 13 14 15	my immediate supervisor.  I just wanted to add that.  Q Okay.  Was your salary decreased when you were removed from the Queens Courthouse position?
.0 .1 .2 .3 .4	And then the next day, I believe it was I was, demoted from my beat.  Q Who told you who made the decision to remove you from the Queens Courthouse position?  A No one specifically told me who	10 11 12 13 14 15	my immediate supervisor.  I just wanted to add that.  Q Okay.  Was your salary decreased when you were removed from the Queens Courthouse position?  A My set salary? No, it did not
.0 .1 .2 .3 .4 .5 .6	And then the next day, I believe it was I was, demoted from my beat.  Q Who told you who made the decision to remove you from the Queens Courthouse position?  A No one specifically told me who made the decision.	10 11 12 13 14 15 16	my immediate supervisor.  I just wanted to add that.  Q Okay.  Was your salary decreased when you were removed from the Queens Courthouse position?  A My set salary? No, it did not change. However, my overtime did change. I
10 12 13 14 15 16 17	And then the next day, I believe it was I was, demoted from my beat.  Q Who told you who made the decision to remove you from the Queens Courthouse position?  A No one specifically told me who made the decision.  Michelle told me that they were	10 11 12 13 14 15 16 17	my immediate supervisor.  I just wanted to add that.  Q Okay.  Was your salary decreased when you were removed from the Queens Courthouse position?  A My set salary? No, it did not change. However, my overtime did change. I made a lot of overtime covering the Sean
10 12 13 14 15 16 17 18	And then the next day, I believe it was I was, demoted from my beat.  Q Who told you who made the decision to remove you from the Queens Courthouse position?  A No one specifically told me who made the decision.  Michelle told me that they were making a change. So, to me, "they" are the	10 11 12 13 14 15 16 17 18	my immediate supervisor.  I just wanted to add that.  Q Okay.  Was your salary decreased when you were removed from the Queens Courthouse position?  A My set salary? No, it did not change. However, my overtime did change. I made a lot of overtime covering the Sean Bell trial. And high-profile trials require
.0 .1 .2 .3 .4 .5 .6 .7 .8	And then the next day, I believe it was I was, demoted from my beat.  Q Who told you who made the decision to remove you from the Queens Courthouse position?  A No one specifically told me who made the decision.  Michelle told me that they were making a change. So, to me, "they" are the editors of the New York Post.	10 11 12 13 14 15 16 17 18 19	my immediate supervisor.  I just wanted to add that.  Q Okay.  Was your salary decreased when you were removed from the Queens Courthouse position?  A My set salary? No, it did not change. However, my overtime did change. I made a lot of overtime covering the Sean Bell trial. And high-profile trials require more time and attention and, therefore, I
10 12 13 14 15 16 17 18 19 20	And then the next day, I believe it was I was, demoted from my beat.  Q Who told you who made the decision to remove you from the Queens Courthouse position?  A No one specifically told me who made the decision.  Michelle told me that they were making a change. So, to me, "they" are the editors of the New York Post.  Q So to be clear, Ms. Gotthelf and	10 11 12 13 14 15 16 17 18 19 20 21	my immediate supervisor.  I just wanted to add that.  Q Okay.  Was your salary decreased when you were removed from the Queens Courthouse position?  A My set salary? No, it did not change. However, my overtime did change. I made a lot of overtime covering the Sean Bell trial. And high-profile trials require more time and attention and, therefore, I did make lots of money.
10 11 12 13 14 15 16 17 18 19 20 21	And then the next day, I believe it was I was, demoted from my beat.  Q Who told you who made the decision to remove you from the Queens Courthouse position?  A No one specifically told me who made the decision.  Michelle told me that they were making a change. So, to me, "they" are the editors of the New York Post.  Q So to be clear, Ms. Gotthelf and Mr. Angelo, the people who assigned you to	10 11 12 13 14 15 16 17 18 19 20 21 22	my immediate supervisor.  I just wanted to add that.  Q Okay.  Was your salary decreased when you were removed from the Queens Courthouse position?  A My set salary? No, it did not change. However, my overtime did change. I made a lot of overtime covering the Sean Bell trial. And high-profile trials require more time and attention and, therefore, I did make lots of money.  Q But the Sean Bell trial was over
L0 L1 L2 L3	And then the next day, I believe it was I was, demoted from my beat.  Q Who told you who made the decision to remove you from the Queens Courthouse position?  A No one specifically told me who made the decision.  Michelle told me that they were making a change. So, to me, "they" are the editors of the New York Post.  Q So to be clear, Ms. Gotthelf and	10 11 12 13 14 15 16 17 18 19 20 21	my immediate supervisor.  I just wanted to add that.  Q Okay.  Was your salary decreased when you were removed from the Queens Courthouse position?  A My set salary? No, it did not change. However, my overtime did change. I made a lot of overtime covering the Sean Bell trial. And high-profile trials require more time and attention and, therefore, I did make lots of money.

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1	IKIMULISA LIVINGSTON	1	IKIMULISA LIVINGSTON
2	Q What other high-profile trials did	2	the Sean Bell cops trial was a high-profile
3	you work on as the Queens Courthouse	3	story.
4	reporter?	4	Q Why?
5	A I worked on the trial of Nicholas	5	A It had a lot of interest of the
6	"Fat Nick" Mihucci, the trial of Thomas	6	readers of the New York Post.
7	*Bain, I believe his name was. The	7	Q So is your definition of high
8	Borukhova-Mallayev pretrial, Jack Rhodes,	8	profile, a story that has a lot of interest
9	Darryl Littlejohn.	9	for New York Post readers?
10	Q These are all high-profile trials?	10	A That would be one of the criteria.
11	A They are trials yes, some of	11	Q What else?
12	them were higher than others, but yes, they	12	A Stories that have high interest.
13	were trials that I covered while at the	13	O Who determines what stories would
1.4	Queens Courthouse.	14	have high interest for New York Post
15	And there were others as well.	15	readers?
16	Q Can you define what you consider to	16	A Are you asking me who decides what
17	be "high profile"?	17	goes on the first page of the paper?
1.8	A The Sean Bell, the cops who shot	18	Q Yeah. Who decides what goes not
19	and killed Sean Bell, that was a very	19	just on the front page but in the paper?
20	high-profile story that almost on a daily	20	A The editors do.
21	basis made the front page as the trial was	21	Q Are there any other high-profile
22	going on.	22	trials you worked on that you haven't
23		23	mentioned while you were a Queens Courthouse
24	Q But the question was: Can you define what you consider to be high profile.	24	reporter?
25	A These are stories as an example,	25	A There probably are. Those are a
Ť	Page 124	1	Page 125
1,	IKIMULISA LIVINGSTON	1	IKIMULISA LIVINGSTON
1 2		1 2	
3	few that come to mind right now.	3	lot of opportunity for overtime as a general assignment reporter?
4	Darryl Littlejohn. Jack Rhodes. Thomas Bain.	4	A Not if you are given dead-end
5	There was another trial of a woman	5	stories that don't go anywhere.
6	named *Akiki.	6	Q Well, as a general assignment
7		7	reporter, don't you have an opportunity
8	<ul><li>Q Anything else?</li><li>A Right now those are the ones that</li></ul>	8	
9		9	actually not just an opportunity, isn't it
10	come to mind.  Q After your removal	10	part of your job to pitch stories to the paper?
11	Q After your removal A I'm sorry. That wasn't a trial.	11	* *
12	There was also a story that I	12	A It was also part of my job to pitch stories while I was at the Queens
13	considered to be a really good story which	13	Courthouse.
14	was the case of Kareem Bellamy.	14	Q But that's not the question.
15	Q And as a Queens Courthouse	15	A Yes. So that was part of my job,
16	reporter, that was your job, to report on	16	to pitch stories.
17	trials that were taking place in the	17	Q So what's the limit on overtime if
18	O 1	18	`
19	courthouse; isn't that right?  A Yes.	19	you can be pitching stories, coming up with stories on your own?
20	A Yes. Q After your removal as the Queens	20	A I don't know how to answer that
21	Courthouse reporter, you were assigned to be	21	question.
22	a general assignment reporter; is that	22	Q Well, isn't there an opportunity
23		23	for overtime if, as part of your job
24 24	right? A That's correct.	24	responsibilities as a general assignment
25 25		25 25	
K)	Q And isn't it true that there's a	K2	reporter, you can pitch stories and write

	Page	130		Page 131
1	IKIMULISA LIVINGSTON		1	IKIMULISA LIVINGSTON
2	reporter?		2	anyone tell me I could work an additional
3	A At no time did anyone make me aware		3	day or a shift as a general assignment
4	that I can request an additional shift to		4	reporter to make extra money, no.
5	work an extra day to make more money.		5	Q In your last performance
6	Q Well, maybe no one affirmatively		6	evaluation, your 2011 APA, did your
7	told you, but is it your testimony that you		7	supervisors not tell you that you can work
8	were unaware that you could request		8	additional shifts and additional hours?
9	additional shifts?		9	A Is that something that's in the
10	It's a yes or no question,		10	APA?
11	Ms. Livingston.		11	Q I'm asking your recollection.
12			12	Did they not tell you that?
13	A I didn't know that other general		13	A Offhand, I do not recall them
14	assignment reporters were doing that. I think I was aware that sometimes rewrite		13 14	
15			15	telling me that, no.
	people would work a shift in the office an		16	Q Did you ever ask anyone if you
16 17	extra day or something like that, but at no		1	could work additional shifts?
	time was I aware that that was an option for		17	A No, I didn't ask anyone if I could
1.8	a general assignment reporter.		18	work additional shifts.
19	Q So is it your testimony that you		19	Q Austin Fenner worked a lot of
20	are learning about the opportunity for		20	overtime.
21	additional shifts for the first time right		21	Are you claiming that you were
22	now at this deposition?		22	unaware of that?
23	MR. THOMPSON: Objection.		23	MR. THOMPSON: Objection.
24	Q Is that your testimony?		24	A I don't know what hours Austin
25	A I'm saying that at no time did	*************	25	worked.
		132		Page 133
1	IKIMULISA LIVINGSTON		1	IKIMULISA LIVINGSTON
2	Q Are you unaware of the fact that		2	would always consider black stories and
3	Austin Fenner worked a lot of overtime at		3	Latino stories or stories about black and
4	the New York Post?		4	Latinos as "low rent" or "ghetto" or however
5	A I know that Austin was essentially		5	you want that right there is offensive in
6	sent on the road, traveled a lot for the job		6	and of itself.
7	which would incur more overtime.		7	But no, she never used the N-word
8	So if that answers that question,		8	with me or and Greenfield never said
9	then, yes.		9	those things. However, I do know
10	Q Ms. Livingston, this morning you		10	that Frankie Edozien was called a nigger by
11	described a long list of things that		11	Steve Dunleavy, and Dunleavy would write his
12	Michelle Gotthelf and Dan Greenfield did		12	columns and refer to Hispanic people as
13	that you believe were acts of		13	"Spics."
14	discrimination, and nowhere in not once		14	And there was also an occasion
15	in your testimony or in your sworn EEOC		15	when there was a smoking room in the Post
16	charge or in your federal lawsuit do you		16	and there was one occasion when Andrea
17	allege that you ever heard Michelle		17	Esposito, she was in there with some people
18	Gotthelf, Dan Greenfield or any other editor		18	and she was talking about the Giants or
19	at the Post say something offensive about		19	just talking about football and she referred
20	your race, for example, a racial epithet;		20	to Lawrence Taylor as "that big nigga."
21	isn't that true?		21	Q Who is Andrea Esposito?
22	MR. THOMPSON: Objection.		22	A She works at the Post.
23	A There was not an occasion when		23	Q Is she an editor?
24	Michelle used a racial slur with me,		24	A No, she is not an editor.
25	although I have to say the fact that they		25	Q Going back to my question for a

1 IKIMULISA LIVINGSTON 2 minute. 3 Have you ever heard any editor or 4 executive at the New York Post say any 5 racist comments? 6 MR. THOMPSON: Objection. 7 A I stated that I didn't hear 8 Michelle to me personally using racial 9 epithets or Greenfield, except for the fact 1 that they constantly call stories about 1 black people or Latino people "low rent" 2 which is tantamount to saying they're 2 ghetto. And that itself is offensive. 3 A I think the fact that they didn't 2 minute. 4 Q So you haven't heard Michelle 3 Gottheff or Dan Greenfield make any comments 4 or executive at the New York Post tever say 5 something offensive about race - 5 MR. THOMPSON: Objection. 6 A The fact that Col Allan and Isses 6 Angelo would approve a racist cartoon 6 depicting President Obama, a black man, as a 6 chimpanzee, that is offensive.  1 IKIMULISA LIVINGSTON 1 IKIMULISA LIVINGSTON 2 reference which we can address and we will 3 pursue it. 4 But other than the fact that 5 Ms. Gotthelf or Mr. Greenfield you claim 6 referred to cretain stories as low rent, 7 have you ever heard Michelle Gotthelf, Dan 7 Greenfield make any comments 8 Offensive about your race? 9 A I think the fact they the calling 9 black people on mkeys is - 9 Q Have you what. She 1 is not finished, Ms. Loving. 1 In addition to the fact that they didn't 1 apologize. They wouldn't apologize to me. 1 They didn't apologize to Leonard. They 1 didn't apologize to the other few black 1 reporters and black people that tworked 1 there executives to say things like 1 didn't apologize to the other few black 1 reporters and black people that tworked 1 there. 2 A The fact that Col Allan and Isses 2 Angelo would approve a racist cartoon 2 A The fact that Col Allan and Isses 2 Angelo would approve a racist cartoon 2 A The fact that Col Allan and Isses 2 Angelo would approve a racist cartoon 2 A The fact that the didn't apologize to the other few black 2 A The fact that Col Allan and Isses 2 A The fact that Col Allan and Isses 2 A I Hought I clearly said Idid not hear Michel		Page 134		Page 135
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	24	$\boldsymbol{\varepsilon}$		
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	Page 138		Page 139
1	IKIMULISA LIVINGSTON	1	IKIMULISA LIVINGSTON
2	Have you heard and you were	2	MS. LOVINGER: Repeatedly asked
3	clear on that answer. You are right.	3	but not answered yet.
4	But have you heard any other editor	4	MR. THOMPSON: Asked and
5	or executive at the New York Post make any	5	answered. Objection.
6	offensive comment about your race?	6	A I said I can't say.
7	MR. THOMPSON: Objection.	7	Q Well, that's really a yes or no
8	A When you say "executive," who do	8	question.
9		9	When you say you can't say
10	you mean?	10	A I can't say that I've heard any
11	Q Any executive.	11	other editors or executives for the New York
12	Have you well, you tell me.	12	Post or News Corp. use a racial epithet in
13	I mean, do you not know what an executive is?	13	· · · · · · · · · · · · · · · · · · ·
		14	my presence.  MS. LOVINGER: Okay. It's 1:00
14	A Do you mean editors?	15	
15	Q It could be someone other than an	16	so we'll go off the record for lunch.
16	editor. Anyone have you heard have	17	MR. THOMPSON: Okay. THE VIDEOGRAPHER: That is the
17	you heard any editor or executive at the New	į.	
18	York Post or News Corp. make any offensive	18	end of Tape Number 2. The time is
19	comment about your race?	19	1:02 p.m. We're off the record.
20		20	(A luncheon recess was
21	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	21	taken at 1:02 p.m. to 2:10 p.m.)
22		22	AFTERNOON SESSION
23	answered.	23	IKIMULISA LIVINGSTON,
24	MR. THOMPSON: Asked and	24	resumed, having been previously
25	answered. Repeatedly.	25	duly sworn, was examined
	Page 140		Page 141
1	IKIMULISA LIVINGSTON	1	IKIMULISA LIVINGSTON
2	and testified further as follows:	2	Scialdone?
3	CONTINUED EXAMINATION BY MS. LOVINGER:	3	A Yes, I believe that's correct.
4	THE VIDEOGRAPHER: This is the	4	Q After you sent that e-mail, Amy
5.	start of Tape Number 3. The time is	5	Scialdone responded the following day
6	now 2:10 p.m. We're now back on the	6	suggesting that you set up a meeting to
7	record.	7	discuss your concerns.
8	BY MS. LOVINGER:	8	Do you remember that?
9	Q Ms. Livingston, this morning you	9 .	A Yes, I remember that.
10	testified that you complained once to Human	10	Q And do you recall meeting with HR
11	Resources and that was back in December of	11	to discuss your e-mail complaint?
12	2009; is that correct?	12	A Yes, I do.
13	A Yes.	13	Q On December 9, 2009, you met with
14	Q And specifically on December 3,	14	Jennifer Jayne, Kristin Kelly, who were also
15	2009, you sent an e-mail to Amy Scialdone of	15	in Human Resources at the New York Post
16	Human Resources which stated the following:	16	during this time.
17	"As a reporter at the New York Post, I've	17	Do you remember that meeting?
18	been discriminated against due to my race	18	A I thought I believe Jennifer
19	and my gender. For example, I was removed	19	Jane told me her title was with News Corp.
20	from my beat as the Queens Court's reporter	20	Q That her title was with News Corp.?
21	because I'm a black woman. I was told I	21	A With News Corp. She was like HR
22	would have a desk at the office and there	22	for News Corp.
23	would be opportunities to write. That has	23	Q Do you know who Kristin Kelly was?
24	not happened."	24	A She was the young woman who typed
4.7			
25	Was that the e-mail you sent to Amy	25	up the notes.

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1	IKIMULISA LIVINGSTON	1	IKIMULISA LIVINGSTON
2	included these two stories in this	2	three weeks, resubmitting it with quotes and
3	self-appraisal?	3	making it stronger. And it was never on a
4	A I covered Jack Rhodes' trial, and	4	byline but it did go on the byline of a
5	these don't reflect the trial.	5	white reporter.
6	Q Okay.	6	Q Who was the reporter who wrote the
7	Were your other stories related to	7	story you are referencing?
8		8	A I wrote the story that I'm
9	Jack Rhodes published in the paper?	9	referencing.
10	A Yes, I believe they were.	10	<u> </u>
1	Q Do you know when they were	11	Q Well, you just said that your story was printed on the byline of the white
11	published in the paper?	12	
12	A I don't recall the exact dates.	1	reporter. Who is the white reporter you are
13	His trial would have happened after this	13	referring to? The white reporter is
14	April 21, 2008 story, so it would have been	14	Kathianne Boniello.
15	sometime after that.	15	Q And is it your testimony that
16	Q Directing your attention a few	16	Kathianne Boniello received a byline on the
17	paragraphs down, the next paragraph, "We	17	story you submitted?
18	covered the Victoria's Secret bras on eBay."	18	A I'm saying that I wrote this story.
19	A couple down you reference a story	19	I made it stronger three weeks in a row with
20	J	20	more and more quotes. Never ran under my
21		21	byline, yet it did run in the Sunday paper
22	J	22	under her by line, at least the story on the
23	J	23	same subject matter.
24	A This would be the story I	24	Q Oh, but not your story.
25	referenced in regards to I worked on it for	25	A I don't know if it's my story or
	Page 172		Page 173
1	IKIMULISA LIVINGSTON	1	IKIMULISA LIVINGSTON
2	not. It did have a similar lead.	2	Q And none of the editors who
3	Q But you didn't read it?	3	rejected your story were responsible for
4	A I did read it.	4	deciding the content of the Sunday story;
5	Q So was it your words with her	5	isn't that right?
6	byline?	6	A I don't know that.
7	A As I stated, it was a story with a	7	Q Do you know that the City desk
8	similar lead. It did not look exactly like	8	doesn't discuss every article that appears
9	the story I submitted. It didn't have the	9	in the Sunday paper before they run?
10	quotes that I had in my story.	10	A I don't know that to be true.
11	Q So it's the same subject matter but	11	Q Do you know it to be not true?
12	it wasn't your story; is that right?	12	MR. THOMPSON: Objection.
13	A When I say "my story," I consider	13	A I don't. I don't know whether
14	it my story because it was a story I pitched	14	that's true or not.
15	and I was approved to write about and that I	15	Q Who rejected your story?
16	submitted three times, three weeks in a row	16	A Neil Sloane, Michelle Gotthelf, Dan
17	for Monday's paper.	17	Greenfield, Zach Haberman, Jesse Angelo,
18	Q And Ms. Binello's story was	18	Nicole Allen. All the editors.
19	published in the Sunday paper; isn't that	19	Q All of those people read your story
20	right?	20	and rejected it?
21		21	A I don't know if they read it but my
22	Q And the Sunday paper has a	22	story didn't make the paper, so the editors
23		23	rejected my story three times in a row.
24		24	Q What's the basis for you
4~ 1		25	identifying Neil Sloane, Michelle Gotthelf,
25	A I believe that's true.	<i>y</i> ~	Menniving Nett Stane whenever twiner

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1			
1	IKIMULISA LIVINGSTON	1	IKIMULISA LIVINGSTON
2	A Yes.	2	complained. I never heard of any rumors or
3	Q What is the basis for your belief	3	complaints from other white reporters about
4	that the fact that a similar story ran in	4	their story not running and then it running
5	the Sunday paper is race discrimination	5	under a black woman's byline.
6	against you?	6.	Q Would you be surprised to hear that
7	A I wrote the same story and made it	7	people have pitched similar stories during
8	stronger each week with quotes from the	8	the week and the Sunday paper
9	bride, the groom's family and a lawyer, and	9	A I'm sorry. What's your question?
10	each week it was not good enough under my	10	Q Would you be surprised to hear that
11	byline.	11	reporters working for the Sunday paper have
12	However, when a white woman wrote	12	made similar pitches to reporters working on
13	the same story apparently she wrote it on	13	the City desk?
14	her own. I don't know that for a fact.	14	A No. That wouldn't be too
15	But it was good enough for the	15	surprising. However, that still doesn't
16	paper. And no one at any time told me why	16	explain away the story I wrote three weeks
17	my story wasn't good enough to make the	17	in a row continued to be rejected but they
18	paper even though it was the same story.	18	ran a story when it was written by a white
19	Q So therefore, you assume that your	19	woman.
20	story didn't make the paper because you are	20	Q You already acknowledged there are
21	African-American?	21	different decision-makers, correct?
22	A I know this didn't happen to white	22	MR. THOMPSON: Objection.
23	reporters.	23	A I said the editors make the
24	Q How do you know that?	24	decision on what makes the paper, what runs
25	A No one ever told me, no one ever	25	in the paper.
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1	IKIMULISA LIVINGSTON	1	IKIMULISA LIVINGSTON
2	Q And the Sunday editor doesn't	2	story, the same subject matter but stronger
3	determine what runs Monday through Friday,	3	because it had quotes. But when a white
4	correct?	4	woman wrote the story, it ran in the paper.
5	A I don't know that to be a fact. I	5	Q Ms. Livingston, you just testified
6	don't know who the Sunday editor was or is.	6	that what you do know is that your story was
7	Q So you really don't know who makes	7	rejected three weeks in a row. But
8	the decision to run the stories in the	8	directing your attention to Livingston
9	Sunday paper, right?	9	Exhibit 9 which you actually wrote at the
10	A In the Sunday paper?	10	time, you said that the story was submitted
11	Q Yeah.	11	"two weeks in a row."
12	A If there's a Sunday editor, I would	12	Do you see that?
L3	think that the Sunday editor would determine	13	A I did write "two weeks in a row."
14	what runs in the Sunday paper.	14	And in this e-mail I wrote "two
15	Q So the Sunday editor determines	15	weeks in a row." I may be confusing the
16	what runs in the Sunday paper and the City	16	weeks with the fact it ran on a Sunday
17	desk editors determine what runs the other	17	and because I had submitted it and if it
18	days of the week; isn't that right?	18	was going to run, it was going to run on
19	A It's my understanding that all	19	Monday's paper, so that would have been
20	these that at some point everyone meets	20	three weeks.
21	together and they go over things.	21	Q Ms. Livingston, in your
22	Q You really don't know; is that	22	self-appraisal, you gave yourself a rating
23	right?	23	of a 4; is that right?
24	A What I do know is that my story was	24	A Yes, that's correct.
25	rejected three weeks in a row. The same	25	Q And 4 is defined as "exceeds